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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,621	11/26/2003	Reynolds Marion	REY-1	7107
33771	7590	12/11/2006	EXAMINER	
PAUL D. BIANCO: FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI, & BIANCO P.L. 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI, FL 33180			AVILA, STEPHEN P	
			ART UNIT	PAPER NUMBER
			3617	
DATE MAILED: 12/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/722,621	MARION, REYNOLDS
	Examiner	Art Unit
	Stephen Avila	3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 October 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-27 is/are allowed.
- 6) Claim(s) 28-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 November 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neil et al in view of Syfritt (newly cited). Neil et al disclose the claimed apparatus and method including a method of making a combination surface and submersible watercraft which comprises manufacturing a hull module, sealable pressurizable passenger compartment module 20, and engine compartment module, and affixing said modules to each other. Neil et al do not clearly disclose a modular system. Syfritt teaches a modular watercraft design. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Neil et al to be modular for ease of storage and transportation and to allow easy upgrades as taught by Syfritt (note column 2, lines 42-56 of Syfritt, for example).

3. Claim 28 and 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neil et al in view of Syfritt, as applied to claim 1 above, and further in view of Tuffier. Neil et al do not disclose bladders. Tuffier teach using four bladders 10 (note Figure 1). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the ballast system of Neil et al with bladders as taught by Tuffier for improved safety.

4. Claims 1-27 are allowed.

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5. Applicant's arguments filed 10/25/06 have been fully considered but they are not persuasive. Applicant alleges that the applied references are not capable of being used on the water or below water. However, the Neil et al is clearly capable of being used on the water or underwater.

Applicant further alleges that the references do not disclose a sealable, pressurizable hull. However, the hull of Neil et al is clearly capable of being sealed and pressurized since it is capable of being used underwater. Note that the claims do not clearly specify that the hull is indeed pressurized and sealed.

Applicant further alleges that the combination of Neil et al and Syfritt is not proper. However, the combination is proper, as set forth above, to a person of ordinary skill in the art at the time the invention was made because to make the device of Neil et al modular would ease storage and transportation and would allow easy upgrades as specifically taught by Syfritt (note column 2, lines 42-56 of Syfritt, for example).

6. Applicant further alleges that there is no reason to combine the Neil et al device and the Tuffier patent. However, as stated above, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the ballast system of Neil et al with bladders as taught by Tuffier for improved safety.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Avila whose telephone number is 571-272-6678. The examiner can normally be reached on Monday to Thursday from 7 AM to 3 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Avila
Primary Examiner
Art Unit 3617

Avila
12/4/02